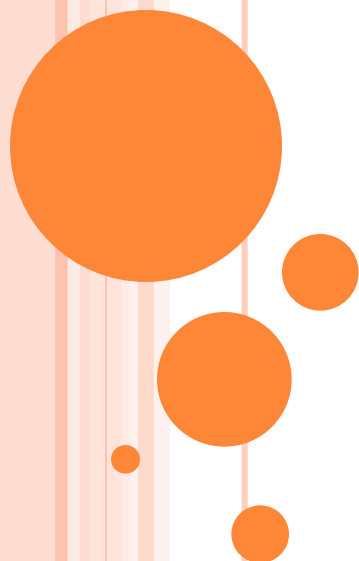

INTERNATIONALLY TRAFFICKED PERSONS: CHALLENGES AND SOLUTIONS

FCJ REFUGEE CENTRE
WALKING WITH
UPROOTED PEOPLE
PREPARED FOR THE OCASI
PROFESSIONAL
DEVELOPMENT CONFERENCE
2015



FCJ REFUGEE CENTRE

"Traveller, there is no road. You make the path you walk."

OUR PROGRAMS:

- ✓ Refugee Claimant Settlement Services
- ✓ Refugee Process Orientation & Information
- ✓ Popular Education, Training & Workshops
- ✓ FCJ Youth Network
- ✓ Anti-Human Trafficking Program
- ✓ Primary Health Care Clinic



FCJ REFUGEE CENTRE'S WORK ON HUMAN TRAFFICKING

- Direct services to trafficked persons, including housing
- Producing and providing training on human trafficking for service providing organizations and other frontline staff
- Founded the Toronto Counter Human Trafficking Network
- Member of the Canadian Council for Refugees Steering Committee against Human Trafficking



MOBILIZATION

Recruitment

Transporting

Transfer

Harbouring

Receipt

MEANS

Threat or use of force

Coercion

Abduction

Fraud

Deception

Abuse of power

Abuse of a position of
vulnerability

Giving and receiving
payments or benefits
*to achieve consent
of a person having
control over another person*

EXPLOITATION

Forced Labour
or services

Slavery or
practices
similar to
slavery

Servitude

Removal of
organs

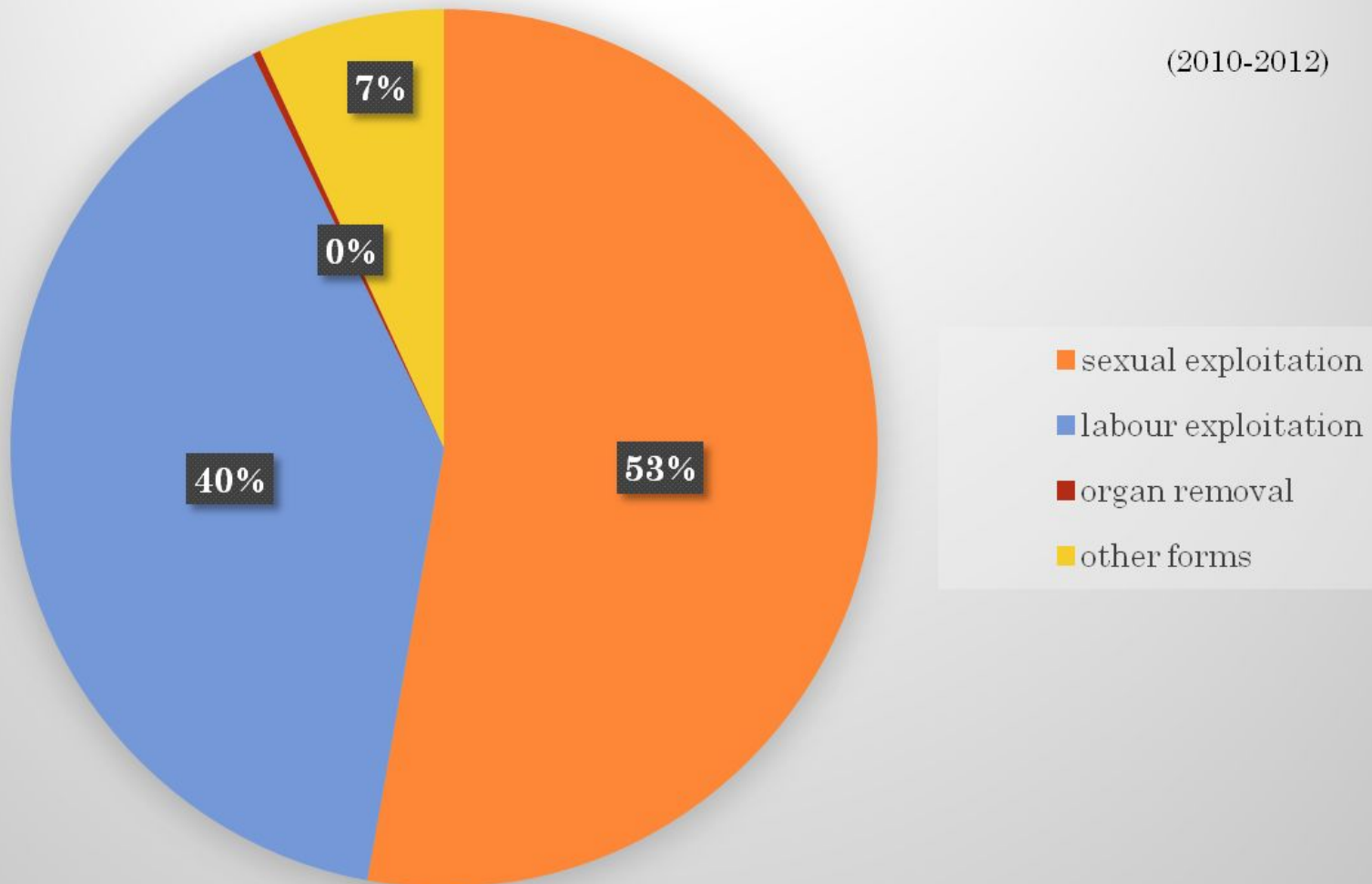
Prostitution or
other forms of
sexual
exploitation

BY MEANS OF

FOR THE PURPOSE OF

INTERNATIONAL STATISTICS ON HUMAN TRAFFICKING

UN Office on Drugs and Crime



FORCED MIGRATION

- Civil war and political instability
- Discrimination & inequality (e.g. gender)
- Refugees seeking asylum– well founded fear of persecution (race, religion, nationality, political opinion, membership of a particular social group)
- Victims of violence and abuse
- Economic factors (e.g. poverty, globalization & privatization)
- Environmental (e.g. natural disasters)



DRIVING FORCES BEHIND HT

- Immigration policies more restrictive and stricter borders , making it more difficult to find legal means to migrate.
- Supply and demand for labour in many sectors:, domestic workers, temporary workers, sex trade, general labourers.
- Trafficking in persons is lucrative (criminal networks consider it more profitable than drug dealing)



HUMAN TRAFFICKING VS. HUMAN SMUGGLING

	HUMAN TRAFFICKING	HUMAN SMUGGLING
CONSENT	Never consented or consent is meaningless because obtained through irregular means	Voluntary act
TRANSNATIONALITY	Cross-border movement and within the country	Only cross border movement
EXPLOITATION	Relationship continue with the exploitation of the person for profit	Relationship ends after the border crossing

CANADIAN LEGISLATION

- **Ratification of the Palermo Protocol (2000)**
United Nations Convention Against Transnational Crime
 - To provide prevention, persecution, protection, partnerships for trafficked persons.
- **Immigration Refugee Protection Act (IRPA) (2002) Section 118**
 - prohibits transnational human trafficking.
 - maximum sentence is life imprisonment .
- **Ratification of the 'Optional Protocol' (2005)**
on the sale of children, child prostitution, and child pornography



THE PALERMO PROTOCOL

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000)

- Common definition of trafficking.
- Obligations for State Parties including establishing programs to prevent trafficking and protect against re-victimization.
- Optional measures for State Parties.



CANADIAN CRIMINAL CODE HUMAN TRAFFICKING OFFENCES

SECTION 279.01

- Trafficking in persons (max. life in prison or 14 years – if not violent).
- Material benefit (max. 10 years).
- Withholding or destroying documents (max. 5 years).
- Minimum mandatory sentence of 5 years are increased if children were the victims.
- To date, the sentences are usually fines, community service, probation and a maximum of 6.5 years in prison.



CANADA: INTERNATIONAL TRAFFICKING VICTIM DEMOGRAPHICS

- **SEXUAL EXPLOITATION:**

- Women primarily from Asia and Eastern Europe.
- Exploited often in brothels and massage parlors.

- **LABOUR EXPLOITATION:**

- Foreign workers from Eastern Europe, Asia, Latin America, and Africa
- Enter Canada through one of the immigration programs
- Ontario, Alberta, and British Columbia main provinces where forced labour occurs



THE INCIDENCE OF HUMAN TRAFFICKING IN ONTARIO – ALLIANCE AGAINST MODERN SLAVERY REPORT 2015

- Ontario is a source, transit and destination for trafficking.
- 551 case were reported from 2011-2013
- 90% of the victims were women.
- 63% were between the ages of 15-24.
- 25% were forced labour cases.



POTENTIAL INDICATORS OF HUMAN TRAFFICKING

Common Work and Living Conditions

THE INDIVIDUAL:

- Is not free to leave or come and go as they wishes
- Is unpaid, paid very little, or paid only through tips
- Works excessively long and/or unusual hours
- Is not allowed breaks or suffers under unusual restrictions at work
- Owes a large and/or increasing debt and is unable to pay it off
- Was recruited through false promises



POTENTIAL INDICATORS OF HUMAN TRAFFICKING

LACK OF CONTROL:

- Has few or no personal possessions.
- Not in control of their own money.
- Is not in control of their own identification documents (e.g. ID, passport, or visa).
- Is not allowed or able to speak for themselves (e.g., a third party may insist on being present and/or interpreting).



IMMIGRATION PROGRAMS AS AVENUES FOR EXPLOITATION

TEMPORARY FOREIGN WORKER'S PROGRAM (TFWP)

- Visa tied to one employer.
- No avenue for permanent residency.
- Remote/rural locations.
- No monitoring to enforce labour standards.
- Inefficient complaint mechanism.

CAREGIVERS PROGRAM

- are more vulnerable if they live-in with their employers.



CANADA'S PROTECTION FOR INTERNATIONAL VICTIMS

- The **Temporary Resident Permit (TRP)** is available for people who have been trafficked internationally & who would otherwise be inadmissible to Canada
 - Is valid for 180 days and gives recipient access to a work permit, Ontario Works, Interim Federal Health Program – extended health care coverage.
 - Automatic consultation with Canada Border Services Agency (CBSA) and/or RCMP.
 - Since 2006, only 71 permits have been issued.



TEMPORARY RESIDENT'S PERMIT

- CIC officials appear to accept claims of trafficking more easily if the passport/ID documents were confiscated by the trafficker(s) and/or criminal charges have been laid.
- It is unlikely that a person will be issued subsequent TRPs without their participation in an ongoing criminal investigation. Victim status ends when the criminal investigation ends.
- In order to be eligible for permanent residency, a survivor of human trafficking must be issued TRPs continuously for a 5 year period.
- Officers tend to encourage survivors to utilize the refugee determination stream if they express an element of fear.



SPOUSES AND FAMILY

The spouse and children of the person who has been trafficked may be given TRPs by CIC officials if deemed appropriate in the circumstances.

- These TRPs are not fee-exempt, family members pay \$200 each for their application.
- Decisions regarding these additional TRPs are at the discretion of the CIC official and are not guaranteed.
- Relatives are more likely to be given a TRP when the trafficking is more severe and it is almost certain there will be a police investigation.



OTHER AVENUES TO REGULARIZATION

- **Humanitarian and Compassionate Grounds**
Application (H&C) \$550.00 fee is not waived
 - The situation of a trafficking survivor often does not correspond closely with the criteria for H&C
- **Refugee claim**
 - Human trafficking may not easily fall within the parameters of refugee determination since it may be difficult to prove persecution in their country of origin
 - Many trafficking victims are pushed to make a refugee claim by their traffickers



INTERSECTING IDENTITIES INCREASING VULNERABILITY

Internationally trafficked persons often face greater vulnerability compounded by other intersecting aspects of their identities.

IMMIGRATION
STATUS

LANGUAGE
ABILITY

EXPERIENCES
WITH VIOLENCE

GENDER
IDENTITY

SEXUAL
IDENTITY

CULTURAL
BARRIERS



BARRIERS TO ACCESSING SERVICES

- Fear of criminal charges and/or deportation
- Isolated and don't know who they can trust
- Unaware of their rights
- Do not self-identify as victims or trafficked
- Fear for safety – have been threatened by traffickers
- Very few services offered to trafficked persons
- Not in possession of their documents & money
- Loyalty towards the trafficker (“Stockholm Syndrome”)



MENTAL HEALTH IMPACTS

- Trafficked persons may endure severe losses in their lives :
- Loss of dignity
- Loss of their human rights
- Loss of safety and security
- Loss of self esteem and sense of self
- Loss of control of their lives
- Loss of their time, potential, opportunities
- Loss of their health and well being
- May go through a grieving process to recover from their losses





MENTAL HEALTH IMPACTS



- Trauma – may be severe and chronic
- Panic attacks, easily startled, difficulty concentrating
- Hopelessness and/or helplessness
- Persistent fear, nightmares
- Depression, suicidal thoughts or attempts
- Feelings of guilt, shame and self-blame
- Possible self-harm and self-mutilation or substance use as a coping mechanism



DISORDER

- PTSD develops after a terrifying ordeal that involved physical harm or threat of physical harm
- Symptoms include: re-experiencing symptoms (flashbacks), emotional numbing and avoidance of reminders of the trauma, and hyperarousal
- Injury and sexual violence during trafficking were associated with higher level of PTSD
- Development of a “Trauma Bond”



TRAUMA BOND

- Commonly known as “Stockholm Syndrome”
- Describes a positive emotional bond that some survivors develop with their captor
- Trauma bonds develop through power imbalances and intermittent good-bad treatment
- People seek increased attachment in the face of external danger
- When there are no ordinary sources of comfort, people may turn towards their exploiters to fill that need
- Becomes a coping Mechanism during confinement
- Helps the trafficked person survive and allows the situation to become less traumatic



SERVICES: PALERMO PROTOCOL

Services victims of trafficking are entitled to:

- (a) appropriate housing;
- (b) counselling and information, in particular in regards to their legal rights, in a language that the victims of trafficking in persons can understand;
- (c) medical, psychological and material assistance;
- (d) employment, educational and training opportunities.

State parties to take into account the age, gender and special needs of victims of trafficking, children, in particular.

CONTINUUM CARE

- **1st phase: Crisis Intervention and Assessment**
 - victim receives emergency assistance and safety;
- **2nd phase: Comprehensive Assessment and Case Management**
 - victim receives proper care and ongoing coordinated assistance;
- **3rd phase: Re/Integration and Settlement**
 - survivor of human trafficking is ready to begin again their life.

Source: Heather Clawson Caliber, Study of HHS Programs Serving Trafficking Victims, 2009

TORONTO'S RESPONSE

Emergency / crisis stage

- Emergency housing: safe house
- Healthcare services
- Food/Clothing
- Trauma Counselling
- Children's Aid Society

Post emergency stage

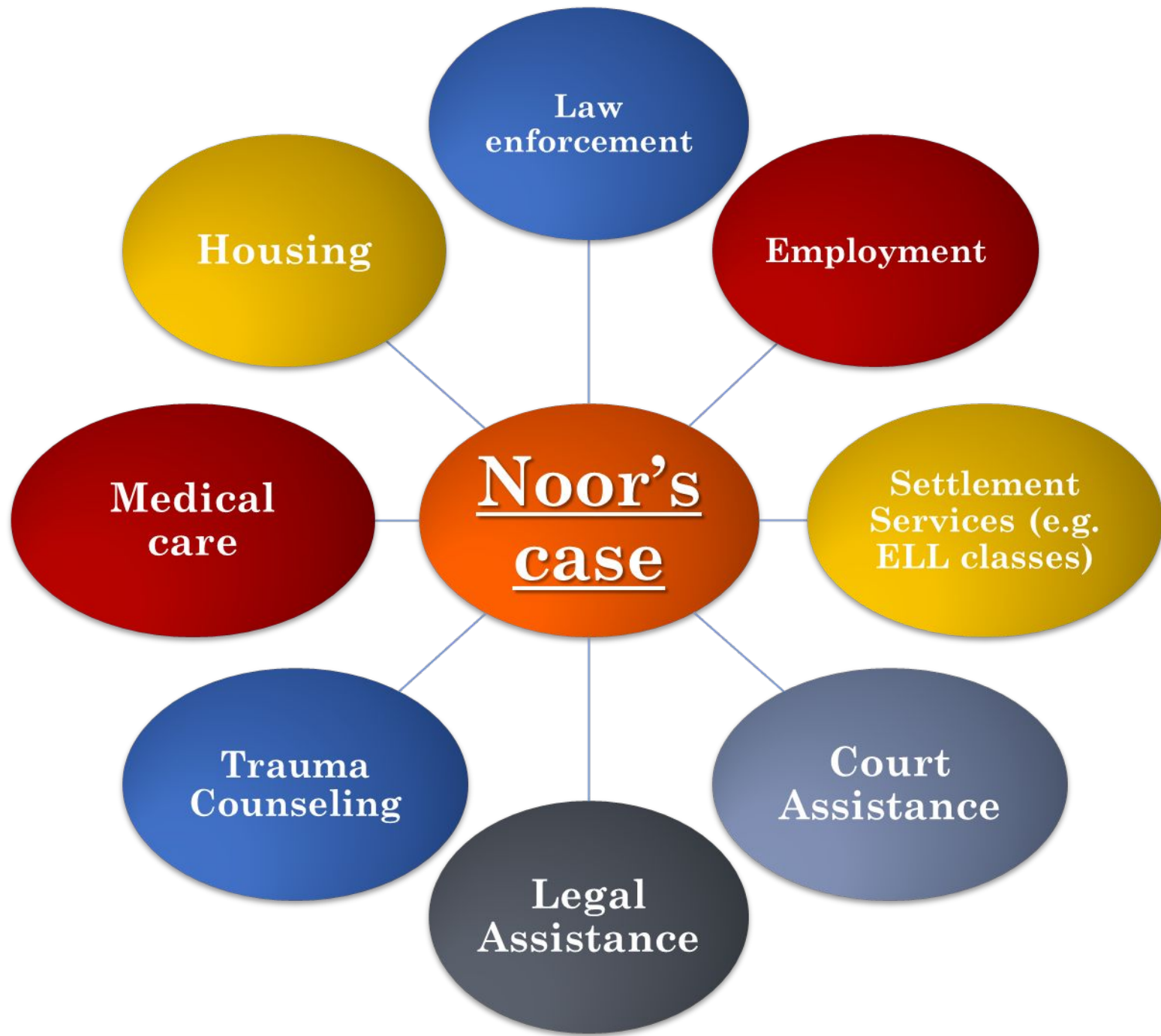
- Housing:
Shelter/Transitional housing
- Community support
- Employment and skills development
- Legal support/immigration
- Victim support: court support services
- Trauma Counseling/ Sexual Assault Centres
- Health Care services
- Peer Support
- Harm reduction
- Children's Aid Society (if previous file)



SERVICES IN TORONTO FOR TRAFFICKED PERSONS

- Emergency services – e.g. Covenant House, Metropolitan Police Force, Ernestine's Women's Shelter, Victim Services, FCJ Refugee Centre, Toronto Helpline (TRCC)
- Post emergency services – e.g. Canadian Centre for Victims of Torture, Elizabeth Fry Society, Agincourt Community Services (Forced Marriage Project), Barbra Schlifer Commemorative Clinic, Salvation Army, Central Neighbourhood House
- Which services in your region will/may respond in an emergency or non-emergency?





Mental Health Support for Trafficked Individuals


- **Cultural understandings:**

- Mental health and counselling approaches for internationally trafficked individuals may be quite different from the biomedical perspectives on health and illness (predominant in the West)
- Experience/description of health issues may be different
- Different values/traditions inform understanding of and approach to health
- Culturally aware and sensitive approaches necessary
- Main reason for dissatisfaction with counselling services is a lack of cultural awareness and sensitivity on the part of the clinician



APPROACHES AND FRAMEWORKS:



- Cultural awareness and sensitivity
 - Knowledge of trauma-informed care approaches
 - Sensitization to the social, political and economic factors that may lead to trafficking situations
 - Case management - Collaboration between sectors using common approaches
 - Similar approaches to those recommended for refugees and asylum-seekers
 - Trafficking survivors may share commonalities with victims/survivors of domestic violence
 - Approaches and techniques may draw from work in both of these areas
- 

TORONTO COUNTER HUMAN TRAFFICKING NETWORK

- **Statement**

Human trafficking is a violation of human rights. We are a diverse group who respect each other's differences and commit to work together for the rights of trafficked persons.

- **Mandate**

- to provide a comprehensive response to human trafficking in the Toronto area in collaboration with stakeholders, including trafficked persons themselves
- facilitate services and protection to trafficked persons through a holistic approach based on human rights and the needs of each individual.



RESOURCES

- MCIS LANGUAGE SERVICES – ONLINE TRAINING
- WWW.HELPINGTRAFFICKEDPERSONS.ORG
- CANADIAN COUNCIL FOR REFUGEES
- WWW.CCRWEB.CA/TRAFFICKING
- CHRYSALIS ANTI-HUMAN TRAFFICKING NETWORK
NATIONAL HUMAN TRAFFICKING HOTLINE
- WWW.CHRYSALISNETWORK.ORG
- 1-866-528- 7109



RESOURCES IN ONTARIO

- ALLIANCE AGAINST MODERN SLAVERY
- WWW.ALLIANCEAGAINSTMODERNSLAVERY.ORG
- OTTAWA COALITION TO END HUMAN TRAFFICKING
- WWW.PACT-OTTAWA.ORG
- COALITION ASSISTING TRAFFICKED INDIVIDUALS
- WWW.CATILONDON.CA
- WINDSOR ESSEX FIGHTING THE INTERNATIONAL GROWTH OF HUMAN TRAFFICKING
- WWW.WESTOPHUMANTRAFFICKING.CA

